

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEBRASKA
OMAHA DIVISION

In re:

DAVID CLAUDIO AKIENS

Debtor

§
§
§
§

Case No. 15-80254

TRUSTEE'S FINAL REPORT (TFR)

The undersigned trustee hereby makes this Final Report and states as follows:

1. A petition under chapter 7 of the United States Bankruptcy Code was filed on 02/23/2015 . The undersigned trustee was appointed on 02/24/2015 .
2. The trustee faithfully and properly fulfilled the duties enumerated in 11 U.S.C. §704.
3. All scheduled and known assets of the estate have been reduced to cash, released to the debtor as exempt property pursuant to 11 U.S.C. § 522, or have been or will be abandoned pursuant to 11 U.S.C. § 554. An individual estate property record and report showing the disposition of all property of the estate is attached as **Exhibit A**.

4. The trustee realized gross receipts of \$ 158,347.87

Funds were disbursed in the following amounts:

Payments made under an interim disbursement	0.00
Administrative expenses	20,349.64
Bank service fees	231.11
Other payments to creditors	112,862.34
Non-estate funds paid to 3 rd Parties	0.00
Exemptions paid to the debtor	0.00
Other payments to the debtor	0.00
Leaving a balance on hand of ¹	\$ 24,904.78

The remaining funds are available for distribution.

¹ The balance of funds on hand in the estate may continue to earn interest until disbursed. The interest earned prior to disbursement will be distributed pro rata to creditors within each priority category. The trustee may receive additional compensation not to exceed the maximum compensation set forth under 11 U.S.C. §326(a) on account of the disbursement of the additional interest.

5. Attached as **Exhibit B** is a cash receipts and disbursements record for each estate bank account.

6. The deadline for filing non-governmental claims in this case was 07/09/2015 and the deadline for filing governmental claims was 07/09/2015 . All claims of each class which will receive a distribution have been examined and any objections to the allowance of claims have been resolved. If applicable, a claims analysis, explaining why payment on any claim is not being made, is attached as **Exhibit C**.

7. The Trustee's proposed distribution is attached as **Exhibit D**.

8. Pursuant to 11 U.S.C. § 326(a), the maximum compensation allowable to the trustee is \$ 11,167.39 . To the extent that additional interest is earned before case closing, the maximum compensation may increase.

The trustee has received \$ 0.00 as interim compensation and now requests a sum of \$ 11,167.39 , for a total compensation of \$ 11,167.39 ² . In addition, the trustee received reimbursement for reasonable and necessary expenses in the amount of \$ 0.00 , and now requests reimbursement for expenses of \$ 526.12 , for total expenses of \$ 526.12 ² .

Pursuant to Fed R Bank P 5009, I hereby certify, under penalty of perjury, that the foregoing report is true and correct.

Date: 04/19/2016 By:/s/RICHARD D. MYERS
Trustee

STATEMENT: This Uniform Form is associated with an open bankruptcy case, therefore, Paperwork Reduction Act exemption 5 C.F.R. § 1320.4(a)(2) applies.

² If the estate is administratively insolvent, the dollar amounts reflected in this paragraph may be higher than the amounts listed in the Trustee's Proposed Distribution (Exhibit D).

**FORM 1
INDIVIDUAL ESTATE PROPERTY RECORD AND REPORT
ASSET CASES**

Case No: 15-80254 Judge: Thomas L. Saldino Trustee Name: RICHARD D. MYERS
 Case Name: DAVID CLAUDIO AKIENS Date Filed (f) or Converted (c): 02/23/2015 (f)
 For Period Ending: 04/19/2016 341(a) Meeting Date: 04/02/2015
 Claims Bar Date: 07/09/2015

1	2	3	4	5	6
Asset Description (Scheduled and Unscheduled (u) Property)	Petition/ Unscheduled Values	Est Net Value (Value Determined by Trustee, Less Liens, Exemptions, and Other Costs)	Property Formally Abandoned OA=554(a)	Sale/Funds Received by the Estate	Asset Fully Administered (FA)/ Gross Value of Remaining Assets
1. 4534 Madison St., Omaha, NE 68117 - owned by Claudio	155,000.00	0.00		6,250.00	FA
2. 7414 S. 35th St., Bellevue, NE 68147	85,000.00	0.00	OA	0.00	FA
3. Cash on hand	200.00	0.00	OA	0.00	Document
4. Access Bank - Omaha - overdrawn \$176.07	0.00	0.00	OA	0.00	Document
5. Misc. household items; t.v.; washer; dryer; stove;	500.00	0.00	OA	0.00	Document
6. Household pictures	50.00	0.00	OA	0.00	Document
7. Personal clothing	200.00	0.00	OA	0.00	Page
8. Watch	10.00	0.00	OA	0.00	Page
9. 22 Rifle	100.00	0.00	OA	0.00	Page
10. Universal life insurance (owned by wife)	0.00	0.00	OA	0.00	Page
11. Metro Contracting Group, Inc.: Assets: Truck \$10,000	900.00	0.00	OA	0.00	Page
12. Claudio Investments, LLC Assets: 4534 Madison, Omaha	0.00	0.00		150,797.87	Page
13. 2006 Jeep Grand Cherokee - owned by Claudio Invest	5,000.00	0.00		1,300.00	Page
14. 2006 Ford 550 pickup - owned by Metro Contracting	0.00	0.00	OA	0.00	Page
15. 2006 Ford 450 RV owned by Claudio Investments, LLC	15,000.00	0.00		0.00	Page

Gross Value of Remaining Assets
 \$158,347.87
 (Total Dollar Amount in Column 6)

TOTALS (Excluding Unknown Values) \$261,960.00 \$0.00

Major activities affecting case closing which are not reflected above, and matters pending, date of hearing or sale, and other action:
 tax return necessary? claims reviewed

Exhibit A

RE PROP #	1	--	see Claudio Investments asset below
RE PROP #	13	--	amended--owned by Debtor outright
RE PROP #	15	--	cross collateralized with 4534 Madison real estate. Net proceeds of auction paid to Access Bank on secured claim

Initial Projected Date of Final Report (TFR): 12/15/2016

Current Projected Date of Final Report (TFR): 12/15/2016

Exhibit B

ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD

Trustee Name: RICHARD D. MYERS

Bank Name: Union Bank

Account Number/CD#: XXXXXX7758

Blanket Bond (per case limit): \$7,000,000.00
 Checking Account (Non-Interest Earnings)
 Separate Bond (if applicable):

Taxpayer ID No: XX-XXX3134
 For Period Ending: 04/19/2016

Case No: 15-80254

Case Name: DAVID CLAUDIO AKIENS

1	2	3	4	5	6	7
Transaction Date	Check or Reference	Paid To / Received From	Description of Transaction	Uniform Tran. Code	Deposits (\$)	Disbursements (\$)
05/07/15	13	METROPOLITAN CONTRACTING GROUP, INC	debtor purchase of jeep equity	1129-000	\$1,300.00	\$1,300.00
05/07/15	1	VICTORY RIDING ACADEMY	rental check	1110-000	\$1,250.00	\$2,550.00
06/09/15	1	VICTORY RIDING ACADEMY	rent payment	1110-000	\$1,250.00	\$3,800.00
06/09/15	1001	CLERK OF U.S. BANKRUPTCY COURT DISTRICT OF NEBRASKA 111 SOUTH 18TH PLAZA STE 1125OMAHA, NE 68102	fees for filing motions to sell	2700-000	\$352.00	\$3,448.00
06/25/15		Union Bank	BANK SERVICE FEE	2600-000	\$15.00	\$3,433.00
07/09/15	1	VICTORY RIDING ACADEMY 4534 Madison St	rent on Madison St.	1110-000	\$1,250.00	\$4,683.00
07/22/15		Union Bank	BANK SERVICE FEE	2600-000	\$15.00	\$4,668.00
08/03/15	1	WELLS FARGO BANK, NA	rent	1110-000	\$1,250.00	\$5,918.00
08/25/15		Union Bank	BANK SERVICE FEE	2600-000	\$15.00	\$5,903.00
09/08/15	1	WELLS FARGO BANK, NA	rent	1110-000	\$1,250.00	\$7,153.00
09/25/15		Union Bank	BANK SERVICE FEE	2600-000	\$15.00	\$7,138.00
09/30/15		ACCESS BANK	net proceeds of Claudio Investments		\$19,399.89	\$26,537.89
			Gross Receipts	\$150,797.87		
		SANDY TURNER Sandy Turner/P Dodge	real estate commissions	(\$10,770.00)	3510-000	
		NEBRASKA LAND TITLE & ABSTRACT Nebraska Land Title & Abstract	settlement charges per HUD 1	(\$7,765.64)	2500-000	
		ACCESS BANK Access Bank	mortgage payoff	(\$112,862.34)	4700-000	

Exhibit B

FORM 2
ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD

Case No: 15-80254
 Case Name: DAVID CLAUDIO AKIENS

Trustee Name: RICHARD D. MYERS
 Bank Name: Union Bank
 Account Number/CD#: XXXXXXX7758

Taxpayer ID No: XX-XXX3134
 For Period Ending: 04/19/2016

Blanket Bond (per case limit): \$7,000,000.00
 Separate Bond (if applicable):

1	2	3	4	5	6	7
Transaction Date	Check or Reference	Paid To / Received From	Description of Transaction	Uniform Tran. Code	Deposits (\$)	Account/CD Balance (\$)
	12					
10/26/15	Union Bank	Claudio Investments, LLC Assets: 4534 Madison, Omaha	\$150,797.87	1129-000		
11/25/15	Union Bank	Bank Service Fee under 11 U.S.C. § 330(a)(1)(B), 503(b)(1), and 507(a)(2)	2600-000		\$15.00	\$26,522.89
12/28/15	Union Bank	Bank Service Fee under 11 U.S.C. § 330(a)(1)(B), 503(b)(1), and 507(a)(2)	2600-000		\$39.44	\$26,483.45
01/25/16	Union Bank	Bank Service Fee under 11 U.S.C. § 330(a)(1)(B), 503(b)(1), and 507(a)(2)	2600-000		\$38.14	\$26,445.11
02/25/16	Union Bank	Bank Service Fee under 11 U.S.C. § 330(a)(1)(B), 503(b)(1), and 507(a)(2)	2600-000		\$39.35	\$26,405.96
02/29/16	1002	FRANKEL ZACHARIA LLC Suite 700 11404 W. Dodge St. Omaha, NE 68134-2576	fees per order 81	3410-000	\$1,462.00	\$24,904.91
COLUMN TOTALS					\$26,949.89	\$2,045.11
Less: Bank Transfers/CD's					\$0.00	\$0.00
Subtotal					\$26,949.89	\$2,045.11
Less: Payments to Debtors					\$0.00	\$0.00
Net					\$26,949.89	\$2,045.11

Exhibit B

Page Subtotals:

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\$0.00

Case Number: 8:15-80254-TLS
 Debtor Name: DAVID CLAUDIO AKIENS
 Claims Bar Date: 7/9/2015

Date: April 19, 2016

Code #	Creditor Name And Address	Claim Class	Notes	Scheduled	Claimed	Allowed
1	PYRAMID ROOFING 50 1504 S. Saddle Creek Road 4120 Omaha, NE 68106	Secured	(1-1) Roofing and gutter work (1-1) Construction lien filed 1/16/2014	\$0.00	\$8,309.86	\$8,309.86
8A	INTERNAL REVENUE SERVICE 50 P.O. Box 7346 4300 Philadelphia, PA 19101-7346	Secured	Extended Check Description Notes from conversion: 2526	\$0.00	\$80,834.00	\$80,834.00
9A	NEBRASKA DEPARTMENT OF 50 REVENUE 4800 Attention: Bankruptcy Unit P.O. Box 94818 Lincoln, NE 68509-4818	Secured	Extended Check Description Notes from conversion: 2526	\$0.00	\$40,056.71	\$40,056.71
8B	INTERNAL REVENUE SERVICE 58 P.O. Box 7346 5800 Philadelphia, PA 19101-7346	Priority	Extended Check Description Notes from conversion: 2526	\$200,000.00	\$86,515.39	\$86,515.39
9B	NEBRASKA DEPARTMENT OF 58 REVENUE 5800 Attention: Bankruptcy Unit P.O. Box 94818 Lincoln, NE 68509-4818	Priority	Extended Check Description Notes from conversion: 2526	\$40,000.00	\$3,328.24	\$3,328.24
2	METHODIST HEALTH SYSTEM 70 PO BOX 2797 7100 OMAHA, NE 68127-8606	Unsecured	Extended Check Description Notes from conversion: 2413682	\$55.42	\$55.42	\$55.42
4	CAVALRY SPV 1, LLC 70 c/o Bass & Associates, P.C. 7100 3936 E. Ft. Lowell Rd, Suite #200 Tucson, AZ 85712	Unsecured	(4-1) Account Number (last 4 digits):1135 Extended Check Description Notes from conversion: 1135	\$95.00	\$95.53	\$95.53

Case Number: 8:15-80254-TLS

Date: April 19, 2016

Debtor Name: DAVID CLAUDIO AKIENS

Claims Bar Date: 7/9/2015

	Creditor Name And Address	Claim Class	Notes	Scheduled	Claimed	Allowed
5	CAPITAL ONE BANK (USA), 70 N.A. 7100 PO Box 71083 Charlotte, NC 28272-1083	Unsecured		\$643.00	\$745.96	\$745.96
			Extended Check Description Notes from conversion: 8502			
6	AMERICAN EXPRESS BANK 70 FSB 7100 c/o Becket and Lee LLP POB 3001 Malvern, PA 19355-0701	Unsecured		\$47,732.00	\$47,732.04	\$47,732.04
			Extended Check Description Notes from conversion: 2003			
7	AMERICAN EXPRESS 70 CENTURION BANK 7100 c/o Becket and Lee LLP POB 3001 Malvern, PA 19355-0701	Unsecured		\$1,603.00	\$1,603.54	\$1,603.54
			Extended Check Description Notes from conversion: 1002			
8C	INTERNAL REVENUE 70 SERVICE--CORRESPON 7100 PL Box 7346 Philadelphia, PA 19101-7346	Unsecured		\$0.00	\$28,211.90	\$28,211.90
9C	NEBRASKA DEPT OF 70 REVENUE 7100 P O BOX 94818 LINCOLN, NE 68509-4818	Unsecured		\$0.00	\$157.19	\$157.19
10	PYOD, LLC ITS SUCCESSORS 70 AND ASSIGN 7100 assignee of Citibank, N.A. Resurgent Capital Services PO Box 19008 Greenville, SC 29602	Unsecured		\$12,517.00	\$12,529.39	\$12,529.39
			Extended Check Description Notes from conversion: 6208			
11	PYOD, LLC ITS SUCCESSORS 70 AND ASSIGN 7100 assignee of Citibank, N.A. Resurgent Capital Services PO Box 19008 Greenville, SC 29602	Unsecured		\$12,070.00	\$12,070.54	\$12,070.54
			Extended Check Description Notes from conversion: 9679			
12	SYNCHRONY BANK 70 c/o Recovery Management Systems 7100 Corp 25 SE 2nd Ave Suite 1120 Miami, FL 33131-1605	Unsecured		\$5,219.70	\$5,517.47	\$5,517.47
			(12-1) Sam's Club MC or GEMB or GECRB			

Case Number: 8:15-80254-TLS
 Debtor Name: DAVID CLAUDIO AKIENS
 Claims Bar Date: 7/9/2015

Date: April 19, 2016

	Creditor Name And Address	Claim Class	Notes	Scheduled	Claimed	Allowed
13	SYNCHRONY BANK	Unsecured		\$0.00	\$8,641.33	\$8,641.33
70	c/o Recovery Management Systems					
7100	Corp		(13-1) Lowe's Business Revolving or GEMB or GECRB			
	25 SE 2nd Ave Suite 1120					
	Miami, FL 33131-1605		Extended Check Description Notes from conversion: 4722			
100	RICHARD D. MYERS	Administrative		\$0.00	\$11,167.39	\$11,167.39
2100	11404 W. Dodge Rd., Suite 500					
	Omaha, NE 68154-2584					
100	RICHARD D. MYERS	Administrative		\$0.00	\$526.12	\$526.12
2200	11404 W. Dodge Rd., Suite 500					
	Omaha, NE 68154-2584					
ADMIN	FRANKEL ZACHARIA LLC	Administrative		\$0.00	\$1,462.00	\$1,462.00
1	Suite 700					
100	11404 W. Dodge St.					
3410	Omaha, NE 68154-2576					
Case Totals				\$319,935.12	\$349,560.02	\$349,560.02

Code#: Trustee's Claim Number, Priority Code, Claim Type (UTC)

TRUSTEE'S PROPOSED DISTRIBUTION

Exhibit D

Case No.: 15-80254

Case Name: DAVID CLAUDIO AKIENS

Trustee Name: RICHARD D. MYERS

Balance on hand	\$	24,904.78
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Claims of secured creditors will be paid as follows:

Claim No.	Claimant	Claim Asserted	Allowed Amount of Claim	Interim Payment to Date	Proposed Payment
1	PYRAMID ROOFING	\$ 8,309.86	\$ 8,309.86	\$ 0.00	\$ 0.00
8A	INTERNAL REVENUE SERVICE	\$ 80,834.00	\$ 80,834.00	\$ 0.00	\$ 0.00
9A	NEBRASKA DEPARTMENT OF REVENUE	\$ 40,056.71	\$ 40,056.71	\$ 0.00	\$ 0.00
Total to be paid to secured creditors				\$	0.00
Remaining Balance				\$	24,904.78

Applications for chapter 7 fees and administrative expenses have been filed as follows:

Reason/Applicant	Total Requested	Interim Payments to Date	Proposed Payment
Trustee Fees: RICHARD D. MYERS	\$ 11,167.39	\$ 0.00	\$ 11,167.39
Trustee Expenses: RICHARD D. MYERS	\$ 526.12	\$ 0.00	\$ 526.12
Accountant for Trustee Fees: FRANKEL ZACHARIA LLC	\$ 1,462.00	\$ 1,462.00	\$ 0.00
Total to be paid for chapter 7 administrative expenses		\$	11,693.51
Remaining Balance		\$	13,211.27

Applications for prior chapter fees and administrative expenses have been filed as follows:

NONE

In addition to the expenses of administration listed above as may be allowed by the Court, priority claims totaling \$ 89,843.63 must be paid in advance of any dividend to general (unsecured) creditors.

Allowed priority claims are:

Claim No.	Claimant	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
8B	INTERNAL REVENUE SERVICE	\$ 86,515.39	\$ 0.00	\$ 12,721.86
9B	NEBRASKA DEPARTMENT OF REVENUE	\$ 3,328.24	\$ 0.00	\$ 489.41
Total to be paid to priority creditors				\$ 13,211.27
Remaining Balance				\$ 0.00

The actual distribution to wage claimants included above, if any, will be the proposed payment less applicable withholding taxes (which will be remitted to the appropriate taxing authorities).

Timely claims of general (unsecured) creditors totaling \$ 117,360.31 have been allowed and will be paid *pro rata* only after all allowed administrative and priority claims have been paid in full. The timely allowed general (unsecured) dividend is anticipated to be 0.0 percent, plus interest (if applicable).

Timely allowed general (unsecured) claims are as follows:

Claim No.	Claimant	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
2	METHODIST HEALTH SYSTEM	\$ 55.42	\$ 0.00	\$ 0.00
4	CAVALRY SPV 1, LLC	\$ 95.53	\$ 0.00	\$ 0.00

Claim No.	Claimant	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
5	CAPITAL ONE BANK (USA), N.A.	\$ 745.96	\$ 0.00	\$ 0.00
6	AMERICAN EXPRESS BANK FSB	\$ 47,732.04	\$ 0.00	\$ 0.00
7	AMERICAN EXPRESS CENTURION BANK	\$ 1,603.54	\$ 0.00	\$ 0.00
8C	INTERNAL REVENUE SERVICE--CORRESPON	\$ 28,211.90	\$ 0.00	\$ 0.00
9C	NEBRASKA DEPT OF REVENUE	\$ 157.19	\$ 0.00	\$ 0.00
10	PYOD, LLC ITS SUCCESSORS AND ASSIGN	\$ 12,529.39	\$ 0.00	\$ 0.00
11	PYOD, LLC ITS SUCCESSORS AND ASSIGN	\$ 12,070.54	\$ 0.00	\$ 0.00
12	SYNCHRONY BANK	\$ 5,517.47	\$ 0.00	\$ 0.00
13	SYNCHRONY BANK	\$ 8,641.33	\$ 0.00	\$ 0.00

Total to be paid to timely general unsecured creditors \$ 0.00

Remaining Balance \$ 0.00

Tardily filed claims of general (unsecured) creditors totaling \$ 0.00 have been allowed and will be paid pro rata only after all allowed administrative, priority and timely filed general (unsecured) claims have been paid in full. The tardily filed claim dividend is anticipated to be 0.0 percent.

Tardily filed general (unsecured) claims are as follows:

NONE

Subordinated unsecured claims for fines, penalties, forfeitures, or damages and claims ordered subordinated by the Court totaling \$ 0.00 have been allowed and will be paid *pro rata* only after all allowed administrative, priority and general (unsecured) claims have been paid in full. The dividend for subordinated unsecured claims is anticipated to be 0.0 percent.

Subordinated unsecured claims for fines, penalties, forfeitures or damages and claims ordered subordinated by the Court are as follows:

NONE